

CITY OF SAN BRUNO



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STAFF

Tom Williams
*Community Development
Director*
Aaron Aknin, AICP, *Associate Planner*
Pamela Thompson, *City Attorney*
Tanya Benedik, *Recording Secretary*

PLANNING COMMISSIONERS

Perry Petersen, *Chair*
Joe Sammut, *Vice-Chair*
Mary Lou Johnson
Bob Marshall Jr.
Robert Schindler
Mark Tobin
Kevin Chase

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION MINUTES

March 16, 2004
San Bruno Senior Center
1515 Crystal Springs Blvd.
7:00 P.M. to 10:30 P.M.

CALL TO ORDER at 7:00 p.m.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Petersen	x	
Vice Chair Sammut	x	
Commissioner Johnson	x (arrived at 7:45)	
Commissioner Marshall	x	
Commissioner Schindler	x	
Commissioner Chase	x	
Commissioner Tobin	x	

STAFF PRESENT:

Planning Division: **Tom Williams**, Community Development Director
Aaron Aknin, Associate Planner
Tanya Benedik, Secretary

City Attorney's Office: **Pamela Thompson**, City Attorney

Pledge of Allegiance **Commissioner Chase**

1. **Approval of Minutes** continued to 4/20/04
2. Communication N/A
3. Public Comment N/A
4. **700 Cedar Avenue**

Request for a use permit to allow construction of an addition that would result in a greater than 50% expansion to the existing residence and greater than 600 sq. ft. of garage area; per Section 12.200.030.B.1 & 12.200.080.B of the San Bruno Zoning Ordinance – **John Chapman** (owner and applicant).

Staff recommends that the Planning Commission **approve** Use Permit 04-04 based on Findings of Fact (1-8) and Conditions of Approval (1-12).

Associate Planner Akin entered staff report.

Chair Petersen wanted to point out to the audience that this application is before the Planning Commission because it is under the zoning requirements in both the floor area ratio (FAR), and lot area.

Owner Mr. Chapman was present to answer any questions. **Mr. Schindler** asked for a color sample. He also asked if he agreed with all the conditions of approval. Applicant stated that he did. **Commissioner Marshall** asked if it was going to be a 2 or 3 car approach. Applicant replied that it would be a 3-car approach.

Public Hearing Opened

Public Hearing Closed

Motion Sammut /Second Tobin to approve Use Permit 04-04 based on Findings of Fact (1-8) and Conditions of Approval (1-12).

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

(Chair Petersen advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, March 6, 2004, and notices were mailed to property owners within 300 feet of the project site on March 5, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.

4. The project is Categorical Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.

CONDITIONS FOR APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-03 shall not be valid for any purpose. Use Permit 04-03 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings
3. The request for a Use Permit an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on March 16, 2043, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to

this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

8. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
9. Provide hardwire smoke detectors in master bedroom, family room, and base of 1st floor.
10. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
11. The applicant shall secure an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
12. No fence, retaining wall, or other permanent structure shall be placed within 4.5 from the back of the sidewalk.

5. **340 Allen Drive**

Request for a use permit to allow construction of an addition that would result in a greater than 50% expansion to the existing floor area and would exceed the .55 FAR guideline; per Section 12.200.030.B.1 & 12.200.030.B.2 of the San Bruno Zoning Ordinance – **David & Mary Elliot** (owner and applicant).

Staff recommends that the Planning Commission **approve** Use Permit 04-03 based on Findings of Fact (1-8) and Conditions of Approval (1-12).

Associate Planner Akinin entered staff report.

Owner **Mr. Elliot** was present to answer any questions. **Commissioner Marshall** asked about the color of the house. **Chair Petersen** commented that this is a large house, and part of the reason why this doesn't exceed the FAR is because the lot is over the standard 5,000 sq. ft.

Public Hearing Opened

N/A

Public Hearing Closed

Motion Sammut /Second Chase approve Use Permit 04-03 based on Findings of Fact (1-8) and Conditions of Approval (1-12).

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

(Chair Petersen advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, March 6, 2004, and notices were mailed to property owners within 300 feet of the project site on March 5, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.

CONDITIONS FOR APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-03 shall not be valid for any purpose. Use Permit 04-03 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on March 16, 2043, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction

related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.

5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
9. Provide hardwire smoke detectors in master bedroom, family room, and base of 1st floor.
10. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
11. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
12. No fence, retaining wall, or other permanent structure shall be placed within 4.5 from the back of the sidewalk.

6. 1198 Crystal Springs Drive

Request for a variance and use permit to allow construction of an addition that would encroach into the rear setback and would result in a greater than 50% expansion to the existing residence; per Section 12.200.030.B1, 12.96.060.D.4, & 12.96.060.D.6 of the San Bruno Zoning Ordinance – **Luis Robles** (applicant); **Rafic Sleiman** (owner).

Staff recommends that the Planning Commission **approve** Variance 04-02 & Use Permit 04-06 based on Findings of Fact (1-10) and Conditions of Approval (1-13).

Associate Planner Akin entered staff report.

Commissioner Marshall asked if the driveway comes out further than it is indicated on the plot map. His concern is that the house next door is at a 0 lot line, and he is concerned with the driveway being close to the next house's bedroom. **Associate Planner Akin** stated that the driveway is 10.4 feet wide. **Commissioner Sammut** asked to have item #8 & #13 reviewed. **Community Development Director Williams** suggested that if the commission wishes to approve this application tonight it could be contingent on verification of those conditions with the fire department at the direction of him to work it out with the fire department what the

appropriate condition would be. **Chair Petersen** suggested to the motion maker that they ask staff to rewrite the conditions so that they read more clearly. **Commissioner Marshall** asked to have the conditions of approval separated out by which department they are from.

Owner and architect were both present to answer any questions. **Architect** stated that they are not opposed to installing hard wire smoke detectors. **Commissioner Tobin** asked if this could be added as a condition of approval. **Architect** stated that he was fine with that

Public Hearing Opened

N/A

Public Hearing Closed

Commissioner Marshall asked how the tile around the perimeter of the roof would be finished off at the front of the house where the addition will be. **Mr. Robles** stated that they will just stucco the front of the house, and will not continue tile where the addition is going to be, because it sits way back.

Commissioner Marshall asked to have the motion maker add a condition that some type of facade gets put up to match the garage and existing roof. **Commissioner Tobin** thought that there would be a pear pit in that area. **Commissioner Chase** didn't agree to have the motion include an additional facade to match. **Commissioner Schindler** supports **Commissioner Chase** in not including the suggested condition.

Motion Chase /Second Schindler approve Variance 04-02 & Use Permit 04-06 based on Findings of Fact (1-10) and Conditions of Approval (1-13).

VOTE:	5-0-0
AYES:	5
NOES:	0
ABSTAIN:	0

(Chair Petersen advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. That because of the substandard depth of this lot, the strict application of this article will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
2. That the variance granted should be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located.
3. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, March 6, 2004, and notices were mailed to property owners within 300 feet of the project site on March 5, 2004.
4. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.

5. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
6. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
7. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
8. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
9. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
10. The off-street parking will be adequate for the residence.

CONDITIONS FOR APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-06 and Variance 04-02 shall not be valid for any purpose. Use Permit 04-03 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings
3. The request for a Use Permit and Variance for an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on March 16, 2043, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
9. Hardwire smoke detectors in shall be installed in the addition area.
10. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
11. An encroachment permit shall be obtained through the Public works Department prior to issuance of the Building Permit.
12. No fence, retaining wall, or other permanent structure shall be places within 2.0' from the back of the sidewalk (on Hazel Ave. and Crystal Springs Road).
13. Fire flow inadequate. Provide fire sprinklers in new construction area.
14. Provide hardwired smoke detector in new bedroom and hallway.

7. 467 Chestnut Avenue

Request for a variance to allow an eight foot trellis in the rear yard where the maximum height allowed is six feet; per Section 12.84.150 of the San Bruno Zoning Ordinance; **Stepping Stones**, applicant; **Rod Tosetti**, owner.

Staff recommends that the Planning Commission **deny** Variance 03-05 based on Findings of Fact (1-13).

Commissioner Tobin asked Staff if the trellis moved in six inches, took off 2 feet, and came back 3 feet, would it then be legal. **Associate Planner Aknin** stated that if 2 feet were reduced off the 8-foot trellis, 4 feet off the 10-foot trellis, it could stay where it is. You could not have any type of trellis or fence within t he required setback. The required setback in the rear is 10-feet. The required setback for the side is 5 feet. Also, if he moved it out of the required setback, the trellis could be up to 28 feet (provided that it is approved by the building department), it is only when it creates a visual barrier when it is that close to a property line when it is considered an illegal structure.

Public Hearing Opened

Owner Mr. Tosetti was present to answer questions. **Owner of Stepping Stones** was also present. **Mr. Tosetti** wanted to clarify that the applicant was technically **Stepping Stones**. He

was only the property owner. He stated that he had a meeting with **City Manager Ms. Connie Jackson**, and presented 2 copies of letters from that meeting to the commission.

He explained to the Planning Commission his position in this. He stated that as an owner he hired **Stepping Stones**. The house is situated on a unique lot, sitting on the crest of a hill. When **Stepping Stones** went out to the site, he liked what they were proposing, and although it was more costly than others, he felt that the proposal was what he wanted. When the project started in June of 2003, there was never a complaint filed on this property. The lady who lives behind him called the City inquiring what was going on. She saw the support beams going up for the trellis, the next thing he knows, he is receiving a Notice of Violation from the City, and he has to put a \$500 deposit so that the City doesn't put a lean on his property. When he went to the City he found out that the ordinance that he is violating is an ordinance that was adopted in October 2003. This work was done in June & July of 2003. Consequently after a meeting with **City Manager, Ms. Connie Jackson**, she agreed with him, and told him that the City is wrong in citing him on this nuisance order. Nothing happened for a while, and then he received another notice that he is in violation of 12.84.150, so then he proceeded to show his position on that. He wanted to reiterate that after the meeting with the **City Manager**, the neighbor who called in the first place went to the meeting with him at City Hall to let her know that she was ok with the trellis. He actually received a signed letter from each of the neighbors on the sides of him, and the neighbor behind him stating that this variance should be granted. Also, because of the shape of his lot being in an unusual location, at the top of a hill this variance should be granted. Also, there are other similar trellises in the neighborhood. Also, in the citation, the trellis is called a "structure". He doesn't feel that a trellis is defined as a structure in the building code.

Chair Petersen reminded **Mr. Tosetti** that what they are deciding on that night is the variance, not the nuisance portion of this property.

He also wanted to reiterate that he is NOT the applicant; he is only the owner of the house. **City Attorney Thompson** reminded the Commission that the bottom-line is, that the owner is the responsible party. Any dispute is between the owner and contractor.

Commissioner Schindler asked **Mr. Tosetti** if anyone every mentioned/suggested getting a permit for this work? **Mr. Tosetti** replied that he asked **Stepping Stones** if a permit was going to be required, and she replied that she has never taken out a permit in all the projects she has ever done, and she has done these in numerous different cities.

Ms. Carol Miller, with **Stepping Stones**, the contractor who installed the trellis stated that the reason why they installed those trellises in those particular locations is because of the size of the yard. Looking at the plan, they can see how small that yard is, the rear trellis structure, which is the larger structure, they did set back 3 feet. There is no way that they could have put up a trellis and bring it in further to the yard. They put in the patio area, and that was the extent of the yard. **Commissioner Tobin** asked **Ms. Miller** if she has never had to go to the City for any of the other projects that she has done in other Cities. She replied that each property is a unique situation. The other properties have never been so small, and never been so close to the property line. She didn't realize that there was such a setback; otherwise there wouldn't have been any purpose to put in the trellis. **Commissioner Marshall** asked **Ms. Miller** if she had any suggestions for an alternative for this property owner. She said it is impossible to move the structure, due to the size of the yard. The lattice on the side of the property could be cut down, but the trellis structure technically can't be cut, because you would want a clearance

under it, and if you take away the clearance, the trellis is too low. **Commissioner Sammut** asked **Ms. Miller** why both structures couldn't become 6 feet tall. She replied that normally they are not 6 feet tall. The lattice structure on the side of the property could be lower, but the idea was to get height and greenery growing on it because of the small size of the yard. There is no real reason why this couldn't be a 6-foot structure by removing the trellis. **Commissioner Marshall** commented that because the trellis is not in a position where people would actually walk under it, it could be dropped down to the level with the trellis still on top. **Commissioner Sammut** asked **Mr. Tosetti** if he would be willing to cut the trellis down to 6-feet. **Mr. Tosetti** stated that he is willing to comply with whatever The City Of San Bruno is going to deem as their decision. But this project as it stands now is not going to be the same. This was designed to give a certain look to the backyard, and by cutting these down; they serve no other purpose but to have greenery on it. The function of the complete landscape project that was designed will no longer be in tact, and this will end up in court between a homeowner and contractor. **Commissioner Schindler** asked **Mr. Tosetti** if he understood that he could appeal the decision made tonight to **City Council**. **Mr. Tosetti** was aware of it, but reminded the commission that he is not the applicant in this. He is only the owner. **City Attorney Thompson** stated that the Owner is the responsible party, and would be the one to appeal this to City Council.

Public Hearing Closed

Commissioner Tobin commented that this application brings a lot of good information to the public watching. Residents should always call the Building Department before they build anything. Contractors coming into the City should do the same. Commissioner Marshall asked staff if the applicant/owner could possible lower it to 8-feet, and maybe it would be easier to approve by the Commission or Council. **City Attorney Thompson** stated that the issue before them is to grant or deny the variance. It is then up to the owner how he will comply with the decision. **Commissioner Tobin** asked **Mr. Tosetti** if he read and understood the Findings for Denial. **Mr. Tosetti** stated that he did, and expressed his concerns that there was some things stated that were incorrect, there was never a complaint.

Commissioner Johnson wanted it noted that she went out to the site, and thought this was very beautiful. **City Attorney Thompson** reminded the commission that the decision is "Can the legal requirements be met such that the variance could be granted". She explained that they couldn't grant a special privilege to anyone. If they allow one property a variance due to the wind, and it is not a special circumstance, they would have to grant it to everyone else with that same situation.

Motion Tobin /Second Sammut deny Variance 03-05 based on Findings of Fact (1-13).

VOTE:	5-1-1
AYES:	5
NOES:	1 (Chase)
ABSTAIN:	1 (Johnson)

(Chair Petersen advised of 10-day appeal period.)

Findings for Denial

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, March 6, 2004, and notices were mailed to property owners within 300

feet of the project site on March 5, 2004.

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. In a R-1 (Single Family Residential) zoning district, the minimum side yard setback is five (5) feet (SBMC Section 12.96.060.D.5)
5. In a R-1 (Single Family Residential) zoning district, the minimum rear yard setback is ten (10) feet (SBMC 12.96.060.D.6).
6. No fence, hedge, wall or screen planting of any kind for residential purposes shall be constructed or grown to exceed six (6) feet in height within any required side yard or to the rear of the required front yard of any dwelling or within any required rear yard (SBMC 12.84.150).
7. The applicant has constructed an eight (8) foot trellis that encroaches 4'6" into the required sideyard setback, therefore in order to be legal under SBMC, a variance is required per SBMC section 12.124.010.
8. The applicant has built a ten (10) foot trellis that encroaches 7' into the required rear yard setback, therefore in order to be legal under SBMC, a variance is required per SBMC section 12.124.010.
9. In order for a variance to be granted an application needs to meet the conditions for granting a variance as stated in SBMC Section 12.124.010.
10. The applicant did not obtain a San Bruno Building permit before constructing the trellis structures.
11. That wind (as stated on the attached support letter) does not constitute a special circumstance applicable to the subject property, as a large percentage of homes in the City of San Bruno are affected by severe wind. Therefore, the strict application of this article will not deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification, as the applicant will still be allowed to use the rear yard in the same manner as typical rear yards;
12. That granting the requested variance would constitute a special privilege inconsistent with approvals and conditions within the immediate neighborhood and throughout the City of San Bruno.
13. This application does not meet the conditions for granting a variance as stated in SBMC Section 12.124.120.

8. 181 Merced Drive

Request for a use permit to allow construction of an addition that would result in a greater than 50% expansion to the existing residence, exceed 30' from the elevation of the sidewalk in front of the house, would have 3 stories within the same vertical plane, and would exceed 2800 sq. ft. with only two covered spaces; per Section 12.200.030.B.1, 12.200.040.A.2, 12.200.030.B.4, 12.200.080.A.3, of the San Bruno Zoning Ordinance – **Larry Sans** (architect); **Mike and Sharon Youngberg**. (Owner)

Commissioner Johnson recused herself from this application due to the fact that she lives within 300 feet of this property.

Associate Planner Akin entered staff report. Staff recommends that the Planning Commission **approve** Use Permit 03-46 based on Findings of Fact (1-8) and Conditions of Approval (1-14).

Owner **Mr. Youngberg** was present to answer any questions. He gave a brief description of the project to the commission.

Chair Petersen commended the applicant for the improvements he has made from the Architectural Review.

Public Hearing Opened

Cynthia Anderson and Dennis Welsh from Sneath Lane expressed their concern with the heritage trees on the property. **Applicant** stated that he intends to preserve as many trees as he can, and it hasn't been decided which trees will need to be removed, but right now he thinks that it is only 3 – 4 trees near the house.

Public Hearing Closed

Commissioner Tobin asked in regards to the trees that will be removed, if they will be replaced with a similar tree in a similar location. **Associate Planner Akin** suggested adding a condition of approval that any tree that is removed will be replaced with a similar tree that provides similar screening. **City Attorney Thompson** suggested that they comply with the existing heritage tree ordinance. **Commissioner Chase** asked applicant if he has talked to his neighbors about this project. Applicant stated that they spoke to the neighbor right next to them that day and he was supportive of the project. They also got signed statements from the neighbors across the street that they were ok with this project.

Motion Sammut/Second Schindler approve Use Permit 03-46 based on Findings of Fact (1-8) and Conditions of Approval (1-15) #15: The applicant shall comply with the heritage tree ordinance, and make all proper application.

VOTE:	6-0-1
AYES:	6
NOES:	0
ABSTAIN:	1 (Johnson)

(Chair Petersen advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, March 6, 2004, and notices were mailed to property owners within 300 feet of the project site on March 5, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the

City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.

4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.

CONDITIONS FOR APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 03-43 shall not be valid for any purpose. Use Permit 03-43 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit and Variance for an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on March 16, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
9. All smoke detectors must be hardwired with battery backup.

10. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
11. An encroachment permit from the Public Works Department must be obtained prior to the issuance of the Building Permit.
12. No fence, retaining wall, or other permanent structure shall be placed within 4.5' from the back of the sidewalk.
13. Install a sanitary sewer clean per City standards.
14. Remove weeds and grass from sidewalk, curb and gutter.
15. The applicant shall comply with the heritage tree ordinance, and make all proper application.

9. 1101 San Mateo Avenue

Request for a conditional use permit to allow installation of a wireless communications facility per Chapter 12.112 of the San Bruno Zoning Ordinance –**Cory Alvin**, applicant; SBC, property owner.

Associate Planner Aknin entered staff report. Staff recommends that the Planning Commission **approve** Use Permit 04-07 based on Findings of Fact (1-9) and Conditions of Approval (1-13).

Applicant Mr. Alvin from **The Alaris Group** was present to answer any questions. **Commissioner Chase** asked if the 2 antenna would be just like the ones showed, just on the other side. Applicant replied that they would.

Public Hearing Opened
N/A

Public Hearing Closed
Commissioner Marshall if the study was done on 6 antennas. **Associate Planner Aknin** stated that he did.

Motion Tobin/Second Chase to approve Use Permit 04-07 based on Findings of Fact (1-9) and Conditions of Approval (1-13).

VOTE:	7-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

(Chair Petersen advised of 10-day appeal period.)

FINDINGS OF FACT

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times on March 6, 2004 and notice mailed to property owners within 300 feet of the project site on March 5, 2004.

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commissions' final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The planned development permit to install a telecommunications facility at 1101 San Mateo Avenue will not be injurious or detrimental to properties and improvements in the neighborhood or to the general welfare of the city because the equipment is minimal in size and virtually indistinguishable from the existing construction at the site and there are no discernable health risks associated with this type of technology.
5. The general appearances of the antennae are in keeping with the character of the area and will not be detrimental to the adjacent real property.
6. The proposed cell site will not unreasonably restrict or interfere with light and air on the property and other properties in the vicinity, will not hinder or discourage the appropriate development and use of surrounding land and buildings, nor impair the value thereof, and is consistent with the design and scale of existing structures. The antennae should not have any impact on light and air to adjacent properties.
7. The construction of the antennae is consistent with the San Bruno General Plan, which allows for accessory structures.
8. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 11, Section 15311: Construction of minor structures accessory to existing commercial facilities.
9. Project is in the San Bruno Redevelopment Area.

CONDITIONS FOR APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed the Use Permit (UP-04-07) shall not be valid for any purpose. The use permit and variance expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one-year date.
2. The proposed installation of a wireless communications facility at 1101 San Mateo Avenue shall be built according to the plans approved by the Planning Commission on March 16, 2004 except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Director of Planning and Building.
3. The applicant shall obtain a City building permit before construction can proceed.

4. The antennas and facility shall be installed and painted according to the photo simulations presented in the staff report.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City.
6. All graffiti shall be removed within 24 hours of reporting.
7. Should this facility cease to operate for a period of six months, all appurtenant structures shall be removed by the applicant.
8. No signs shall be placed on or attached to the antennae.
9. Provide architect or engineer wet-signed/stamped drawings for Building Department review.
10. Provide one 2A10BC fire extinguisher on site during construction.
11. Encroachment Permit from the Engineering Dept. required prior to work.
12. Replace all broken and raised concrete in sidewalk or driveway approach as marked.
13. Planter strip across Montgomery Avenue shall be filled to the satisfaction of Public Works staff.

10. **149 San Luis Avenue**

Request for a use permit to allow construction of a first and second floor addition which will result in a greater than 50% expansion, exceed the maximum floor area ratio, and would have more than 600 square feet of gross floor area; per Sections 12.200.030.B.1, 12.200.030.B.2 and 12.200.080.A.3 of the San Bruno Zoning Ordinance – **Juan Sanchez**, owner.

Staff recommends that the Planning Commission **continue** Use Permit 03-26 to the April 20, 2004 Planning Commission meeting. There were errors in the plans and didn't want to bring it before the commission with those errors in the plans.

Public Hearing Opened

Applicant Mr. Sanchez was present to answer questions. **Commissioner Johnson** asked applicant what changes have been made to the plans since the last time he has come before the Planning Commission. **Mr. Sanchez** stated that he removed one bathroom, ½ of a room to make space for the car in the garage and added a carport. He doesn't understand what the problem is now.

Neighbor at 152 San Felipe, who lives right behind this property, was present. He is concerned with the setback because one of his structures is less than 12 inches from his fence. **Chair Petersen** asked staff to check the plans in regards to that issue. **Associate Planner Aknin** stated that there are 2 different types of setbacks. One is for the main structure that setback is 10 feet. There is another one for accessory structures, and that one is 12 inches. He would double-check the plans to ensure that the accessory structures are at least 12 inches away from the fence. **Commissioner Johnson** stated that she went out to the site today, and asked about

the huge amount of foundation out there, and wanted to know which part of the property is considered an accessory. **Associate Planner Akin** stated that it is anything not attached to the home.

Public Hearing Closed

Commissioner Tobin commended Staff on making sure that this applicant has everything properly put together before presenting it to the Commission.

Motion Tobin/Second Johnson to continue Use Permit 03-26 to the April 20, 2004 Planning Commission meeting

VOTE: 7-0-0
AYES: 7
NOES: 0
ABSTAIN: 0

(Chair Petersen advised of 10-day appeal period.)

11. Staff Discussion

April 15, 2004 - Arch. Review: **Tobin, Schindler, and Petersen**

Community Development Director Williams let the commission know that if they ever feel there is something in the zoning code that they would like staff to research and to bring back to them for an amendment to the zoning code that they are open to any suggestions.

12. Planning Commission Discussion

N/A

Tom Williams,
Secretary to the Planning Commission
City of San Bruno

Perry Petersen, Chairperson
Planning Commission
City of San Bruno

NEXT MEETING: April 20, 2004

TCW/tb

Adjourned at: 9:00 p.m.